

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN HARDNEY,

Plaintiff, No. CIV S-02-1518 FCD JFM P

vs.

T.L. ROSARIO, et al.,

Defendants. ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On September 14, 2007, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.

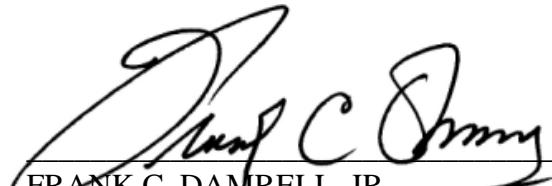
However, on October 15, 2007, plaintiff filed another request for protective order based on conditions of confinement in the California State Prison at Lancaster, California, most of which are duplicative of the requests addressed in the September 14, 2007 findings and recommendations. The specific allegations contained within plaintiff's October 15, 2007 request

1 is not part of the underlying complaint in this action and, therefore, will not be given a hearing
2 on the merits at trial. Complaints concerning conditions of confinement at CSP-Lancaster are
3 more appropriately addressed to the United States District Court for the Central District of
4 California. Thus, plaintiff's October 15, 2007 request will be denied without prejudice to its
5 refiling in the Central District.¹

6 The court has reviewed the file and finds the findings and recommendations to be
7 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
8 ORDERED that:

- 9 1. The findings and recommendations filed September 14, 2007 are adopted in
10 full;
- 11 2. Plaintiff's July 26, 2007 and August 9, 2007 motions for protective order,
12 construed as requests for preliminary injunctive relief are denied;
- 13 3. Plaintiff's September 11, 2007 request is denied; and
- 14 4. Plaintiff's October 15, 2007 request is denied without prejudice.

15 DATED: October 30, 2007.



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

24 1 Plaintiff's October 15, 2007 five page request is accompanied by 115 pages of exhibits.
25 If plaintiff files a new complaint in the Central District of California, plaintiff may request that
26 this court forward a copy of the filing to the United States District Court for the Central District
of California for its consideration.